

YOSHIURA et al.  
Appl. No. 10/035,159  
Amendment dated November 5, 2008  
Response to Office Action dated August 15, 2008

### **REMARKS**

Upon entry of this amendment, claims 1-19, 23-31, 33, 35, 37-40 and 43 are pending. By the present amendment claim 38 is amended. Favorable reconsideration of the application is respectfully requested.

The Abstract is objected to for containing minor informalities. The Abstract has been amended to remove the informalities. Accordingly, the objection to the Abstract is overcome, and reconsideration and withdrawal of the objection are respectfully requested.

The rejection of claims 1-19, 23-31, 33, 35, 37-40 and 43 under 35 U.S.C. §103(a) over Li et al. (U.S. Patent Application Publication No. 2003/0004784, hereinafter "Li") in view of Huberman (U.S. Patent No. 6,078,906) is respectfully traversed.

It is noted that the instant application claims priority to JP 2001-153080, having a priority date of May 22, 2001. A certified translation of the priority application is provided herewith. Li, on the other hand, has an earliest filing date of June 29, 2001. The priority of the instant application, having been perfected by submission of a certified translation of the priority application, renders Li unavailable as prior art against the claims of the instant application. As such, any rejection based solely, or in part, on Li is improper. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

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In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



Updeep S. Gill  
Reg. No. 37,334

USG:dbp  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100